




Construction Bulletin

CB 03-6, Character of Workers

References: *Standard Specifications*, Section 5-1.12
Construction Manual, Section 3-512

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Approved: 
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Background

Section 5-1.12, "Character of Workers," of the *Standard Specifications*, describes the conditions upon which the Engineer shall direct the removal of a subcontractor or person employed by the contractor from the project. Furthermore, Section 3-512, "Character of Workers," of the *Construction Manual*, describes work environment activities that are unacceptable for a contractor's worker and would merit removal of the worker from the project. Directing the removal of a contractor's worker is a significant action and this authority should not be unreasonably exercised.

Existing Procedure

Currently, the *Construction Manual* does not describe a procedure for removing a worker from the project or considering a request for the worker's reinstatement.

New Procedure

To the extent possible, the resident engineer should discuss the decision to direct the removal of a worker with his supervisor before issuing the directive, or as soon afterwards as is practicable. A contractor may request the reinstatement to the project of a removed worker. If reinstatement is requested, the resident engineer's supervisor shall, within a reasonable time, convene a meeting with the resident engineer, the contractor's authorized representative and, at the contractor's discretion, the affected worker, to consider the request. At this meeting, those present shall be informed of the reason for the removal directive and be afforded the opportunity to respond.

None of the procedures addressed in this bulletin affect the authority of the resident engineer to direct the removal of a worker from the project.

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